

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Unemployment Compensation	3,000
Maine State Retirement System	62,500
Social Security	172,920
Blue Cross and Blue Shield	275,000
2035 - Soil Conservation	
Personal Services	12,900
2045 - Program Grants	
Contractual Services:	
Eastern Maine Development Corporation	65,000
Mattawamkeag Park	5,000
Penquis Community Action Program	30,000
Green Valley Association	5,600
2050 - Insurance	
Contractual Services	198,600
2055 - County Dues	
Contractual Services	1,650
2075 - Capital Reserve Funds	
Contractual Services:	
Bridges	100
Building Improvements	40,000
Jail Building	500,000
2085 - Wage Adjustment	
Contractual Services	332,000
TOTAL GENERAL FUND	\$5,974,928

; and be it further

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1989. The following is a summary of revenues and appropriations:

Total Appropriations	\$5,974,928
Available Credits:	
Estimated Revenue	\$1,027,829
Transfer from Surplus	375,000
Department of Corrections	<u>300,000</u>
Total Available Credits	(1,702,829)
Capital Overlay	<u>24,991</u>
Amount to be raised by taxation	\$4,297,090

; and be it further

Sec. 4. Sheriff's department wages study. Resolved: That a study concerning the wages paid to employees of the Penobscot County sheriff's department shall be

performed by an unbiased entity, selected through a bidding process and presented to the Penobscot legislative delegation for its approval before selection, from outside of Penobscot County to determine budgeting costs; and be it further

Sec. 5. Jail construction loan. Resolved: That the Penobscot County commissioners may borrow up to \$500,000 for additional expenses for jail construction.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 28, 1989.

CHAPTER 50

H.P. 1247 - L.D. 1740

Resolve, Concerning the Dam on Mattawamkeag Lake

Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized to take dam by eminent domain. Resolved: That pursuant to the Maine Revised Statutes, Title 12, section 7652, the Commissioner of Inland Fisheries and Wildlife may take by eminent domain the Mattawamkeag Lake Dam, flowage rights appurtenant thereto and additional land within the area described in section 2 of this resolve as necessary for an assignable right-of-way to the dam for dam maintenance. Ownership of the dam by the department shall be subject to the following conditions.

1. The department may lease its interest in the dam. Any lease agreement made shall compensate the department for any outstanding acquisition costs associated with the taking of this dam and land. The lease agreement shall also require any lessee to pay operating, maintenance and repair costs for the dam. Any funds collected as lease fees shall be credited to the department.
2. The department may acquire by gift, bequest or otherwise any land described in section 2 of this resolve or any funds required by the department for acquisition.
3. Notwithstanding the Maine Revised Statutes, Title 38, section 840, the department shall establish a water level regime for the dam.
4. The department may require the lessee to construct a fishway for the dam and shall provide technical assistance for the fishway's design, construction and operation; and be it further

Sec. 2. Description of lands. Resolved: That the department is authorized to take only land as needed for ownership of the Mattawamkeag Lake Dam, flowage rights appurtenant thereto, access to the dam through a right-of-way and any land as needed for maintenance and repair.

This resolve includes the land in Township 4, Range 3, County of Aroostook, and State of Maine, to wit:

Beginning at an iron rod situated at the intersection of the Bible Point Road and the Silver Ridge Road near the so-called Bible Point boat landing on the westerly shore of the outlet of Mattawamkeag Lake in said Township 4, Range 3; thence South 74 degrees, 3 minutes, 50 seconds West, 558.7 feet along the centerline of said Bible Point Road to an iron rod; thence South 55 degrees, 2 minutes, 55 seconds East, 728.0 feet to an iron rod located on the centerline of a road located on the easterly side of said Mattawamkeag River and Lake; thence North 33 degrees, 8 minutes, 55 seconds East, 329.8 feet along the centerline of said road to an iron rod situated on the southerly boundary of land, now or formerly, leased by the Maine Forest Service; thence North 38 degrees, 44 minutes, 20 seconds West, 122 feet to an iron rod situated on the east shore of said Mattawamkeag Lake; thence North 39 degrees, 21 minutes, 25 seconds West, 257.6 feet to the point of beginning.

Also conveying all right, title, and interest of the Grantor in and to the bed of Mattawamkeag Lake and the West Branch of the Mattawamkeag River as lies between the lines of the above described lot extending to the center of the bed of said lake and river.

Also conveying all right, title, and interest of the Grantor in and to the Mattawamkeag Lake Dam.

EASEMENT

And, together with and appurtenant to the above described parcel of real estate, a right of way now established 33 feet in width, and known as the Silver Ridge Road and extending from the Bible Point Road to United States Route II in Sherman, Maine. Said right of way to be used in common with all those who have acquired a similar right of way and all of those who may acquire said right of way in the future.

Said parcel of land contains 5 acres, more or less.

See title page for effective date.

CHAPTER 51

H.P. 1270 - L.D. 1766

Resolve, Concerning the Dennistown Plantation School Budget

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the state fiscal year will end before the expiration of the 90-day period; and

Whereas, in order for this legislation to apply to fiscal year 1988-89, it must be enacted as emergency legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Dennistown Plantation; unallocated balances. Resolved: That, for state fiscal years 1988-89 and 1989-90, Dennistown Plantation shall be exempt from the provisions of the Maine Revised Statutes, Title 20-A, section 15613, subsection 9.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 30, 1989.

CHAPTER 52

H.P. 1095 - L.D. 1528

Resolve, to Establish as a Demonstration Project Recreational Vehicle Dumping Stations

Sec. 1. Demonstration project. Resolved: That the Department of Transportation, Bureau of Maintenance and Operations, shall develop as a demonstration project a dumping station for recreational vehicles at a rest area on Interstate 95.

In carrying out this resolve, the bureau shall determine the appropriate site for the station, select a contractor or contractors to build the station, develop and implement the necessary procedures to administer the project and establish a nominal fee to help defray the operating costs; and be it further

Sec. 2. Results of project. Resolved: That the results of this project shall be published in a final report to be submitted to the Second Regular Session of the 114th Legislature by December 1, 1990; and be it further

Sec. 3. Allocation. Resolved: That the following funds are allocated from the Highway Fund to carry out the purposes of this resolve.

1990-91

TRANSPORTATION, DEPARTMENT OF

Highway Maintenance

Positions	(1.5)
Personal Services	\$12,000